

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

April 15, 2003

Chairman S. Schiller called the meeting to order at 4:04 p.m., and roll was taken.

MEMBERS PRESENT: C. Kufta, S. Schiller, R. Hilt, R. Schweifler, D. Newsome

MEMBERS ABSENT: J. Clingman-Scott, excused; D. Narowitz, excused.

STAFF PRESENT: D. Steenhagen, H. Griffith

OTHERS PRESENT: O. Vela, 1264 Circle; M. Newell, 1030 Sophia.

ELECTION OF VICE-CHAIR

R. Schweifler nominated R. Hilt for Vice-Chair.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of March 11, 2003, was made by R. Hilt, supported by R. Schweifler and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2003-4: Variance request to allow a 143.9-square foot, 25.7 foot tall free-standing sign at 1931 E. Sherman Blvd., by West Shore Wash, Inc. D. Steenhagen presented the staff report. The subject property is located on E. Sherman Blvd., in front of the Wal-Mart shopping complex. A gas station/convenience store/car wash was recently constructed on the site. The allowable height and size for freestanding signage is based on the amount of frontage that a parcel has. The subject parcel has approximately 246 feet of frontage which would allow a sign of up to 110 square feet and 20 feet high. The subject property contains existing wall signage, directional signage and one freestanding sign. The existing freestanding sign is 91 feet in size and 18 feet high and currently meets ordinance requirements. The applicant is asking to increase the sign's size and height to 143.9 square feet in size and 25.7 feet in height. The proposed sign would contain the existing 'Citgo' sign face as well as an added an LED readerboard. The gas price sign face would become an LED sign as well as increasing in size. A fourth sign face would be added near the bottom of the sign. This stretch of Sherman Blvd. has become heavily commercialized in recent years and several properties have large, nonconforming signs. A variance was approved last year for a property across the street from this one, to allow a larger sign for a strip mall because of the small amount of frontage compared to the size of the development. Other recent businesses have complied with the sign regulations (such as Arbys and Wendys). The property already has the maximum allowable amount of wall signage, based

on the size of the front face of the building. No further wall signage will be allowed for this site. This is the first gas station to be located at this US-31 interchange. Although the subject property is far enough east on Sherman Blvd. so that it is not immediately visible from the exit ramps onto Sherman, the State's highway signage program (blue gas/food/lodging signs at exits) should easily inform motorists that a Citgo station exists at this exit and often the signs also give directional arrows and distance estimates as well. Therefore, the site does not necessarily need to have a sign that is visible from the highway interchange. Staff has not received any phone calls or letters on this case.

O. Vega stated that they are requesting the variance for the height of the sign and not the width. He stated that they would be allowed a 25 ft. tall sign if they had about 4 ft. more of frontage. R. Schweifler asked for clarification regarding the size of the proposed sign based on the supplied drawing. The commission members calculated the proposed sign size. D. Newsome asked about the letter size and placement of Chester Fried Chicken on the proposed sign. O. Vela stated that he had written it in so the commission members would have an idea of what the sign would have on it. The actual writing would fit the entire sign. R. Schweifler asked what size sign would be allowed based on the Zoning Ordinance for 246 ft. of frontage. D. Steenhagen stated that they would be allowed a sign that is 20 ft. high and 110 sq. ft.

A motion to close the public hearing was made by D. Newsome, supported by R. Hilt and unanimously approved.

R. Schweifler suggested that since the gas station is part of a franchise, then the franchise might require a certain size for the signs. This may be a reason for the variance. He felt it was prudent for them to allow the sign. He stated that an extraordinary circumstance would be that this is a franchise business.

A motion to allow the header and LED sign excluding the Chester Fried Chicken sign with a sign size of 112 sq. ft. and 25 ft. high, was made by R. Schweifler and died due to lack of a second.

R. Hilt asked what the frontage was for Wendys and Arbys. D. Steenhagen stated that both have less frontage than Citgo. C. Kufta stated that there are no extraordinary circumstances since franchises know that different cities have regulations regarding the size of the sign and they would need to conform to them. He also stated that the existing signage would allow for the present use. R. Hilt asked if the Chester Fried Chicken was a franchise. O. Vega stated that it is, but they could do without the sign if the commission members would prefer. R. Schweifler asked if the LED sign was something that Citgo would provide to them. O. Vega stated that it was. The sign came from Germany. The sign was expected around September. The sign arrived early. They would have waited to have signage if they had known it was going to be done so quickly. The reason that the LED sign is larger than the one that they currently have is that the new one will provide for 4 products. The current one only allows for 3 products. They have a ground sign advertising that they also have Diesel fuel. This would be removed if the proposed LED sign were approved since it would advertise the Diesel fuel.

A motion that the variance to allow a 123.9-square foot, 21.7 foot tall free-standing sign at 1931 E. Sherman Blvd., be approved, based on the following review standards (found in Section 2502

of the Zoning Ordinance): a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district. b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity. c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest. d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner. e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner. f) That the requested variance is the minimum action required to eliminate the difficulty. Based on the following conditions: 1) The variance is recorded with the deed to keep record of it in the future. 2) That the addition to the property must be complete within one year or the variance is void, was made by R. Hilt, supported by D. Newsome and approved with S. Schiller and C. Kufta voting nay.

NEW BUSINESS

Case 2002-5: Staff-initiated request to interpret the zoning map to determine the correct zoning designation for 1030 Sophia St. D. Steenhagen presented the staff report. When the current zoning map was adopted in 1987, the different zoning districts throughout the city were outlined and drawn in on a paper map. This map shows each city block, but only shows some parcel boundaries, most of which do not reflect how the blocks are currently laid out today. In many cases a zoning boundary line cuts through the middle of a block or even through a parcel. When the paper map was converted to the current computer-based system, staff visually redrew all zoning boundaries on the computerized parcel map. In cases where a boundary line cut through the middle of a block or parcel, staff often had to take an estimated guess as to where the line should be placed. If a question as to whether a zoning boundary has been located correctly comes up, staff always double-checks the original paper map to verify that the boundary was placed correctly. Staff was contacted recently about the zoning for 1030 Sophia St. The owner of the property is seeking to refinance it. When the computer zoning map was checked, it showed the property as being zoned B-4, General Business, but that it was located on the boundary of that zoning district, with an RM-1, Low Density Multiple-Family Residential district adjacent to it. In this case, when staff checked the original paper map to make certain of the exact location of that boundary line, it was unclear as to where the line was meant to fall in regard to the subject property. Therefore, staff was not able to make a determination as to the correct zoning of the subject property and is bringing the case before the ZBA for an interpretation of the zoning map to determine the correct zoning. Enclosed in this packet is a copy of the original paper map with the dot and dashed line showing the original placement of the zoning boundary. Also enclosed is a copy of the current computerized zoning map showing the current configuration of the lots in this block and where the boundary line was put when the computerized zoning map was created. This request is intended for the ZBA to determine, based on the provided information, where the current zoning boundary line should fall. The ZBA is not being asked to look at the current use of the subject property as a factor in making a determination. Once a determination has been made, the property owner is free to seek a rezoning of the property if he/she so chooses.

The commission members looked over both the zoning maps and concurred that 1030 Sophia should be in the RM-1 zoning district. R. Schweifler felt that 1024 Sophia should also be in the RM-1 zoning. M. Newell stated that she owns 1030 Sophia. She didn't have any problem getting financing when they had purchased the home a few years ago. The only reason she found out that the zoning was different than she thought when she purchased the home, was that she was going through a refinancing process and is having problems due to the zoning. Her neighbor (1024 Sophia) also has a single family home and she felt that it should also be in the RM-1 zoning. R. Hilt stated that the commission couldn't do anything about 1024 Sophia since based on the original zoning map, it is in the proper zoning now. R. Schweifler asked what would be needed to have the address zoned RM-1. D. Steenhagen stated that they would need to go before the Planning Commission and City Commission for a rezoning of the property.

A motion that the zoning map be interpreted to determine that the property located at 1030 Sophia St. is located in the RM-1 zoning district was made by C. Kufta, supported by D. Newsome and unanimously approved.

OTHER

Bylaws C. Kufta stated that he had been through a training program regarding what the Zoning Board of Appeals does. He had gotten a lot of information. He had learned that there should be more information on the application. This would help in their decision making. They should have the property owner's name on the application. There should also be the ordinance number that is being addressed in the application. D. Steenhagen stated that B. Moore had wanted to try to get an informational packet for the applicant to help them understand what the commission members would need to know for their decision making. D. Steenhagen would make copies of the information that C. Kufta had received for the commission members to look over.

There being no further business, the meeting was adjourned at 5:09 p.m.

hmg
4/15/03